

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CITAK & CITAK, DONALD CITAK and  
BURTON CITAK,

Plaintiffs,

Civil Action No.: 07 CIV 5459

-against-

THE ST. PAUL TRAVELERS COMPANIES,  
INC. a/k/a ST. PAUL FIRE AND MARINE  
INSURANCE COMPANY,

**REPLY DECLARATION OF  
JONATHAN R HARWOOD IN  
SUPPORT OF DEFENDANT'S  
MOTION TO DISMISS COMPLAINT**

Defendant.  
-----X

JONATHAN R. HARWOOD, being duly sworn, deposes and says:

1. I am an attorney admitted to practice in the State of New York and before the United States District Court for the Southern District of New York. I am a member of the law firm of Traub Lieberman Straus & Shrewsberry LLP, attorneys for defendant The St. Paul Travelers Companies, Inc. a/k/a St. Paul Fire and Marine Insurance Company ("St. Paul"). As such, I am familiar with the facts, pleadings and prior proceedings in the instant matter.

2. I submit this reply declaration in support of St. Paul's motion to dismiss the complaint.

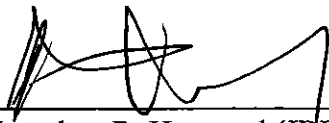
3. A true and correct copy of a letter from counsel for plaintiffs dated August 1, 2007 is annexed hereto as Exhibit A.

4. A true and correct copy of an October 9, 2007 decision issued by Justice Eileen A. Rakower if the Supreme Court of the State of New York, County of New York in an action

entitled *Marton v. Citak & Citak, et al.*, Index No. 116472/06, is annexed hereto as Exhibit B.

Dated: Hawthorne, New York  
March 10, 2008

TRAUB LIEBERMAN STRAUS & SHREWSBERRY LLP

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